IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7284 OF 2006

MR. IQBAL IBRAHIM KALWATAR .. PETITIONER

Versus

THE UCO BANK .. RESPONDENT

Mr. M. Janardhanan for petitioner

Mr. V.S. Khanaokar for respondent

CORAM:-SMT. RANJANA DESAI
V. M. KANADE, JJ.

DATED:-27/11/2006

P.C.

. We have heard the learned counsel for the petitioner.

2. In this petition, the petitioner has challenged notice dated 1/12/05 issued under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ("the said Act" for short) and the order dated 27/9/06 passed by the Chief Metropolitan Magistrate Esplande, Mumbai in Miscellaneous Application No. 83 of 2006 directing to take possession of the

secured assets.

3. Mr. Janardhan, learned advocate for the petitioner contended that this court should consider that the property of the petitioner is affected by natural calamity. The notice issued is subsequent to natural calamity. The learned counsel further urged that the petitioner has insured the property and the insurance claim is pending. He submitted that the insurance amount would undoubtedly go to the bank, if the bank's case is found to be genuine. The learned counsel submitted that the petitioner has sent a reply which has not been taken into consideration. On all these grounds he submits that the notice ought to be quashed.

4. In our opinion, the present petiton is not maintainable. The remedy of filing an appeal under Section 17 of the said Act is available to the petitioner. Hence the petition is rejected.